In the claims:

Kindly cancel claims 4, 10, 16, 22, and 23.

Kindly amend claims 1-30 as follows:

1.   (Currently Amended)   A method for measuring the performance of a scalable network comprising:

  preparing a network under test for testing;

  sending, by a packet generator, a constant stream of packets through a network under test; ~~and~~

  counting, by a packet count unit, received packets~~.; and~~

  establishing the peak performance rate as the highest rate with no packet dropout.

2.   (Original)   The method of claim 1, further including the act of establishing a corresponding routing path for a session to be tested.

3.   (Original)   The method of claim 2, further including the act of establishing a static IP route for each said session.

4.   (Cancelled)

5.   (Original)   The method of claim 1, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-3 level network.

6.   (Original)   The method of claim 1, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-12 level network.

7.   (Currently Amended)   A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for measuring the performance of a scalable network, said method comprising:

  preparing the network for testing;

sending, by a server, a constant stream of packets to a client node; and

counting, by said client node, said received packets~~.; and~~

<u>establishing the peak performance rate as the highest rate with no packet</u>

<u>dropout.</u>

8.   (Original)   The program storage device of claim 7, said method further including the act of establishing a corresponding routing path for a session to be tested.

9.   (Original)   The program storage device of claim 8, said method further including the act of establishing a static IP route for each said session.

10.   (Cancelled)

11.   (Original)   The program storage device of claim 7, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-3 level network.

12.   (Original)   The program storage device of claim 7, wherein said act of sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-12 level network.

13.   (Currently Amended)   An apparatus for measuring the performance of a scalable network comprising:

means for preparing the network for testing;

means for sending a constant stream of packets to a client node; and

means for counting said received packets~~.; and~~

<u>establishing the peak performance rate as the highest rate with no packet</u>

<u>dropout.</u>

14.   (Original)   The method of claim 13, further including means for establishing a corresponding routing path for a session to be tested.

15.   (Original)   The method of claim 14, further including means for establishing a static IP route for each said session.

16.   (Cancelled)

17. (Original) The method of claim 13, means for sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-3 level network.

18. (Original) The method of claim 13, means for sending a constant stream of packets includes the act of sending said constant stream of packets over an OC-12 level network.

19. (Currently Amended) A system for measuring the performance of a scalable network comprising:

a packet generator for providing test packets to a network under test; ~~and~~

a packet count unit for counting test packets received from said network under test~~; and~~

wherein said test packets are provided in a constant stream to said network under test and the peak performance rate of said network under test is established as the highest rate with no packet dropout.

20. (Original) The system of claim 19, wherein said network under test comprises a OC-3 level network.

21. (Original) The system of claim 19, wherein said network under test comprises a OC-12 level network.

22. (Cancelled)

23. (Cancelled)

24. (Original) The system of claim 22, wherein the peak performance rate of said network under test is established as the maximum receive rate at a particular packet size with no packet dropout.

25. (Original) The system of claim 20, wherein said network under test includes two Fast Ethernet pathways.

26. (Original) The system of claim 21, wherein said network under test includes eight Fast Ethernet pathways.

27.   (Original)   The system of claim 21, wherein said network under test includes at least two Gigabit Ethernet pathways.

28.   (Original)   The system of claim 21, wherein said network under test includes four OC-3 pathways.

29.   (Original)   The system of claim 19, wherein said packet generator is configured using Pagent software.

30.   (Original)   The system of claim 19, wherein said system is configured to download a test configuration file from a TFTP server.